

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN SENATE JUNE 9, 1999

AMENDED IN SENATE MAY 11, 1999

**SENATE BILL**

**No. 1276**

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**Introduced by Senators Hayden and Murray**

February 26, 1999

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An act to add Section 130051.3 to the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, as amended, Hayden. Transportation: Los Angeles County Metropolitan Transportation Authority.

(1) Existing law creates the Los Angeles County Metropolitan Transportation Authority as the successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission.

This bill would require the authority to seek an independent fiscal analysis in developing options to fund the purchase of 532 additional buses and the hiring of additional drivers and maintenance personnel to support those buses, as required under a specified court order.

The bill would require the State Auditor to conduct a fiscal analysis to develop the specified funding options and submit that analysis to the Legislature not later than March 15, 2000.

The bill would prohibit the authority from expending any funds *for construction projects*, except as specified, until the authority has identified, with the concurrence of the special

master for the consent decree in a specified case, a guaranteed and sufficient source of funding to meet the mandates of the consent decree and the special master's rulings under that consent decree.

The bill would prohibit the authority from transferring, expending, encumbering, or otherwise using funds from the funding source identified as specified for any purpose other than implementing the consent decree and the special master's rulings under the consent decree, except as specified, until the court has ruled that all requirements under both of those things have been met.

To the extent that these requirements would impose additional duties upon the authority, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) In the case of Labor/Community Strategy Center,  
4 et al. v. The Los Angeles County Metropolitan  
5 Transportation Authority, et al. (Case No. CV 94-5936),  
6 the United States District Court in the Central District of  
7 California, Western Division, ruled on March 8, 1999, that

1 low-income bus riders in Los Angeles County were  
2 impacted unfairly, disproportionately, and  
3 unconstitutionally in the allocation of public funds for  
4 transit systems operated by the Los Angeles County  
5 Metropolitan Transportation Authority.

6 (b) This extensive pattern of de facto discrimination  
7 against the low-income and minority residents of Los  
8 Angeles County, as identified by the federal court, is  
9 morally unjustifiable and should not be subsidized with  
10 state funds generated by the taxpaying public.

11 (c) The court-appointed special master in the case  
12 cited in subdivision (a) has ruled that the agency must  
13 purchase 532 natural gas powered buses, and hire drivers  
14 and mechanics to operate and support those buses, in  
15 order to meet the requirements of the federal consent  
16 decree issued by the court in that case.

17 (d) The formulas concerning overcrowding and load  
18 factors used by the special master to determine how to  
19 implement the consent decree were agreed to by all  
20 parties.

21 (e) The authority at present is unlikely to have  
22 sufficient resources to fund the requirements of the court  
23 order while at the same time pursuing other major transit  
24 projects.

25 (f) The legal, prudent and proper course for the  
26 authority is to meet the terms of the federal consent  
27 decree and the special master's order and thereby bring  
28 closure and justice to this prolonged conflict.

29 SEC. 2. Section 130051.3 is added to the Public  
30 Utilities Code, to read:

31 130051.3. (a) The Los Angeles County Metropolitan  
32 Transportation Authority shall seek an independent fiscal  
33 analysis in developing options to fund the purchase of 532  
34 additional buses and the hiring of additional drivers and  
35 maintenance personnel to support those buses, as  
36 required under the court order issued by the United  
37 States District Court in the Central District of California,  
38 Western Division, on March 8, 1999, in the case of  
39 Labor/Community Strategy Center, et al. v. The Los

1 Angeles County Metropolitan Transportation Authority,  
2 et al. (Case No. CV 94-5936).

3 (b) The State Auditor shall conduct a fiscal analysis to  
4 develop the options described in subdivision (a) and,  
5 notwithstanding Section 7550.5 of the Government Code,  
6 shall submit that analysis to the Legislature not later than  
7 March 15, 2000.

8 (c) (1) The authority may not expend any funds *for*  
9 *construction projects*, except as authorized under  
10 subdivision (d), until the authority has identified, with  
11 the concurrence of the special master for the consent  
12 decree issued by the court in the case cited under  
13 subdivision (a), a guaranteed and sufficient source of  
14 funding to meet the mandates of the consent decree and  
15 the special master's rulings under that consent decree.

16 (2) The authority may not transfer, expend,  
17 encumber, or otherwise use funds from the funding  
18 source identified under paragraph (1) for any purpose  
19 other than implementing the consent decree and the  
20 special master's rulings under the consent decree until  
21 the court has ruled that all requirements under both of  
22 those things have been met.

23 (d) Notwithstanding subdivision (c), the authority  
24 ~~may expend funds for the purchase of buses and for~~  
25 ~~highway repairs.~~ *may expend funds for any of the*  
26 *following:*

27 (1) *Purchasing buses.*

28 (2) *Repairing highways.*

29 (3) *Funding included and eligible municipal*  
30 *operators as the designated transportation planning*  
31 *agency for the County of Los Angeles under Chapter 4*  
32 *(commencing with Section 99200) of Part 11 of Division*  
33 *10.*

34 SEC. 3. Notwithstanding Section 17610 of the  
35 Government Code, if the Commission on State Mandates  
36 determines that this act contains costs mandated by the  
37 state, reimbursement to local agencies and school  
38 districts for those costs shall be made pursuant to Part 7  
39 (commencing with Section 17500) of Division 4 of Title  
40 2 of the Government Code. If the statewide cost of the

1 claim for reimbursement does not exceed one million  
2 dollars (\$1,000,000), reimbursement shall be made from  
3 the State Mandates Claims Fund.

4 SEC. 4. This act is an urgency statute necessary for the  
5 immediate preservation of the public peace, health, or  
6 safety within the meaning of Article IV of the  
7 Constitution and shall go into immediate effect. The facts  
8 constituting the necessity are:

9 In order to comply with the order of the United States  
10 District Court in the Central District of California,  
11 Western Division, issued on March 8, 1999, in the case of  
12 Labor/Community Strategy Center, et al. v. The Los  
13 Angeles County Metropolitan Transportation Authority,  
14 et al. (Case No. CV 94-5936), at the earliest possible time,  
15 it is necessary that this act take effect immediately.

